proceedings on the indictment aforesaid with all things thereunto relating plainly and distinctly and in all full and ample manner as it now remains before you to the Justices of our General Court to be held at the City of Annapolis on the second Tuesday of October next under your hands and seals you send together with this writ that our said Judges may further do therein that which of right they see ought to be done, Witness the Honorable Thomas Johnson Esquire Chief Judge of our said Court this 16th day of June Anno Domini 1791

Issued the 20th day of September 1791.

L. Martin — Jno Green Clk.

And the allowance of said Certiorari being objected to by the Counsel for the prisoner, The Court took advice thereof until Monday next the 26th day of September instant because the Court are not as yet Hc And the order for the Sheriffs bringing up the said Francis Thompson on Saturday next was reconsidered.

And afterwards to wit on the said 26th day of September 1791 Philip Barton Key and William Craik Esquires counsel for the prisoner produced and filed in Court here the following Certificates and reasons in writing to wit.

Maryland Set. I hereby certify that a Certiorari, which issued out of the General Court for the Western Shore of Maryland dated the twentieth day of September seventeen hundred and ninety one, directed to the Justices of Charles County Court, on an Indictment against a certain Francis Thompson for murder, issued by order of Luther Martin Esquire attorney General, and without any directions from the Judges of said General Court, or either of them.

(The seal of the General Court) In Testimony whereof I have hereunto set my hand and affixed the public seal of my office this 24th day of September 1791.

Jno Green Clk Genl Court
W Shore Maryland

State of Maryland } vs } In this cause the prosecutor in behalf
ex } of the State produced to the Court the
Francis Thompson } following Certiorari.

(The State of Maryland to wit, To the Justices and Clerk of Charles County Court Greeting, We being willing for certain causes to be certified of the record and proceedings of a certain Indictment depending in our said Court before you our said Justices against a certain Francis Thompson late of Charles County for murder do command you that the record and proceedings on the Indictment aforesaid

(The Seal of the General Court)

with all things thereunto relating plainly and distinctly and in as full and ample manner as it now remains before you to the Judges of our General Court to be held at the City of Annapolis on the second Tuesday of October next under your hands and seals you send together with this writ that our said Judges may further do therein that which of right they ought to be done Witness the honorable Thomas Johnson Esquire Chief Judge of our said Court this 16th day of June Anno Domini 1791.

Issued the 20th day of December 1791. — Jno Green Clk

L. Martin

in order to remove the Indictment and proceedings. To which Messrs Craik and Key Counsel for the prisoner, first filing in Court the following Certificate.

Maryland Set. I hereby certify that a Certiorari which issued out of the General Court for the Western Shore of Maryland dated the twentieth day of September seventeen hundred and ninety one, directed to the Justices of Charles County Court to remove the proceedings depending in said Court, to the aforesaid General Court, on an indictment against a certain Francis Thompson for murder, issued by order of Luther Martin Esquire Attorney General, and without any directions from the Judges of our said Court, or either of them.

(The seal of the General Court) In Testimony whereof I have hereunto set my hand and affixed the public seal of my office this 24th September 1791.

Jno Green Clk Genl Court
W Shore Maryland

objected and assigned as reasons.

1st That the said Certiorari appears to have been issued in vacation without the fiats and signature, or either of them, of a Judge.

2nd That the said Certiorari does not appear to have been issued in Term time by order, of the General Court on motion for that purpose.

3rd That the attorney General of Maryland ex officio have no authority to direct the issuing a writ of Certiorari to remove the record of Criminal proceedings on an Indictment for murder in a County Court depending.

4th That the record and proceedings in any County Court of this State on an indictment for murder, can not be removed by Certiorari at the Instance of the State unless in pursuance of the Act of 1790. Chap. 50.

5th That the Certiorari produced is informal Hc

Whereupon all and singular the premises aforesaid being by the Court here seen and fully understood, and mature deliberation thereupon had. It is adjudged by the Court here that the said writ of Certiorari be disallowed and rejected. And that whereas